

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ferree

Serial No.: 10/679,919

Group No.: 3733

Filed: Oct. 6, 2003

Examiner: R. Shaffer

For: REDUCED-FRICTION ARTIFICIAL DISC REPLACEMENTS

RESPONSE TO OFFICE ACTION

Mail Stop AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed August 20, 2007, the Examiner's attention is directed to the following remarks.

Claims 1 and 3 stand rejected under 35 U.S.C. §103(a) over Gau in view of Pisharodi. The Examiner's argument is not persuasive. First, whether or not Gau discloses "ball casters 8," Applicant can find no evidence that they "swivel about a vertical axis as well as rotate about a horizontal axis." Furthermore, with regard to the Gau/Pisharodi combination, the Examiner's argument about "an annulus was insufficient to hold the implant of Gau in place," appears to be totally irrelevant. Applicant respectfully requests that the Examiner explain how "the use of vertebral endplates would ... prevent the implant from escaping from the disc space."

Questions regarding this application may be directed to the undersigned attorney by telephone, facsimile or electronic mail.

Respectfully submitted,

By:

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Date: Nov. 20, 2007